

REMARKS

Claims 1 and 12-28 are pending. By this Amendment, claims 2 and 21 have been amended for clarification, and claim 28 has been added.

Claim objections

Claim 21 was objected to for informalities. Claim 21 has been amended in an effort to address the Examiner's concerns. In view of these amendment, Applicant respectfully request reconsideration and withdrawal of his objection.

Claims 1-2 and 12-20 are objected to allegedly not being supported by the specification. Applicant respectfully submits that the language recited in these claims is supported by the specification, as explained detail below.

Claim rejections under 35 USC § 112, first paragraph

Claims 1-2 and 12-0 are rejected as being indefinite for failing to particular point and out claims the subject matter. In particular, the Action finds the language "storage area network (SAN) layer" as not being described in the speciation. Applicant respectfully submits that support for this langue may found at various portions of the specification as originally filed, e.g., FIGS. 4 and 5 and the accompanying et at 42, 43, and 45 and in FIGS. 4, 5, and 6 as original filed. Additional support is provided, e.g., in paragraph 31 an30 and 31 of the specification as original filed. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim rejections under 35 USC § 103(a)

Claims 1-2 and 12-27 are rejected under Section 103(a) as being unpatentable over U.S. Published Patent Application No. 20030172130 to Frenchman ("Frenchman") in view of U.S. Publish Patent Application No.

2002006936 to Tremain ("Tremain") .U.S. Published Patent Application No. 2020265942 to Ulrich ("Ulrich"). These rejections are respectfully traversed.

Claim 1 recites an enterprise data backup and recovery system. The system comprises, among other features:

a first network and a second network in communication though a third network the first network comprising:

...

a first storage area network

the second network comprising:

...

a second storage layer in communication with the second storage area network layer;

a third storage layer in communication with the second storage area network and in communication with one or more application servers ***via a dedicated data connection.***

The Action relies on a combination of Fruchtmann, Tremain, and Ulrich for the features recited in claim 1. However, as pointed out in previous responses, none of these documents discloses or suggests a third storage layer in communication with the second storage area network and in communication with one or more application servers ***via a dedicated data connection*** as recited in claim 1. The Action, at page 8, alleges that the manner of enhancing a particular device (method and apparatus for providing computer services than allows communication between two or more computers or networks via a third network which may be very widely or loosely connected, and a dedicated data connection) was made part of the capabilities of one skilled in the art based on the teaching of such improvement in Tremain. However, Applicant can find no disclosure or suggestion in Tremain or in any of the other cited documents of such a feature, nor has an explanation been provided as to why such a feature would

have been advantageous to one skilled in the art. In fact, all three of the cited documents show information transferred between non-dedicated connections, e.g., the Internet. Absent such a teaching or an explanation as to why one skilled in the art would have been motivated to use a dedicated connection in the combination of Ulrich, Fruchtmann, and Tremain, claim 1 is patentable over any combination of these documents. Accordingly, claim 1 is patentable over combination of these documents.

If the position is maintained that the cited document disclose or suggest a dedicated connection as claimed, Applicant respectfully requests that it be specifically pointed out where in the documents there is a basis for this view.

Claim 12 recites similar features as claim 1 and is patentable over the combination of the cited documents or at least the same reasons. Claims 2 and 13-27 depend from claims 1 and 12, respectfully, and are patentable for at least the same reasons.

With regard to claim 2, this claim recites further feature not disclosed or suggested by any combination of cited documents. In particular, claim 2, as amended, recites a first client in community with the first media server via the first local area network; wherein the inroad is transferred dot eh first media server and to the fist storage layers, wherein the first local area network includes a routing switch in communication with a backup master server and multiple uplink connects from the routing switch to a polarity of port switches than provide connective points of a plurality of local area network clients, wherein each connection to the pairs of poser switch comprises a secure connection to a first port switch and a non-secure connection to a second port switch, wherein both the secure and the non-secure connection terminate and originate with the backup master server which is security enabled. Support for these amendments may be found at, e.g., numbered paragraph 56 of the specification as originally filed (and in numbered paragraph 72 of the published application).

This feature is not disclosed or suggested by any combination of the cited documents. Accordingly, claim 12 is patentable over any combination of the cited documents for at least this additional reason.

New claim

Claim 28 has been added, reciting features similar to those emphasized in amended claim 12. Claim 28 is thus considered patentable over the cited documents for at least the same reason.

Fees

No fees are believed due with the filing of this communication. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-3447.

Change of Correspondence Address

It is respectfully requested that the correspondence of record for this application be changed to the address of record for Customer No. 52246.

Conclusion

It is respectfully submitted that the application is in condition for allowance, and notice to that effect is respectfully requested. If there are any questions, the Examiner is urged to contact the undersigned at 678-336-6551.

Applicant respectfully submits that this Amendment is being submitted in accordance with 37 C.F.R. 1.34 by a registered patent practitioner acting in a representative capacity for Applicant.

Respectfully submitted,
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